

## **REMARKS/ARGUMENTS**

### **Restriction/Election Requirement:**

The Office Action mailed on September 5, 2008 has required restriction from among the following five groups.

Group I (Claims 1-15, 17, and 22-25, drawn to furo[2,3-*d*]pyrimidines, simple compositions and preparations of simple compositions thereof).

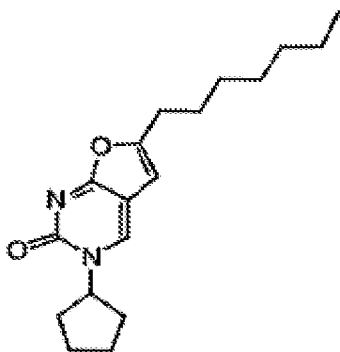
Group II (Claims 1-15, 17, and 22-25, drawn to compounds which are not furo[2,3-*d*]pyrimidines, simple compositions and preparations of simple compositions thereof).

Group III (Claim 16, drawn to a method of preparation of compounds of formula I).

Group IV (Claims 18 and 19, drawn to a non-statutory “use” claims ).

Group V (Claims 20 and 21, drawn to a method of prophylaxis or therapeutic treatment of a viral infections).

Applicants hereby elect **Group I**, drawn to furo[2,3-*d*]pyrimidines, simple compositions and preparations of simple compositions thereof, with traverse, for further examination on the merits. Applicants hereby also elect a **species**, 6-Heptyl-3-cyclopentyl-3*H*-furo[2,3-*d*]pyrimidin-2-one (140) [Cf2160], with traverse. The elected species is 6-Heptyl-3-cyclopentyl-3*H*-furo[2,3-*d*]pyrimidin-2-one, with the following structure:



The elected species is described in the specification on page 17. It is understood that withdrawn claims will be rejoined upon allowance of the Group I product claims. Such rejoinder is respectfully requested.

Applicants assert that the examination of Groups I to V would not place a serious burden on the Examiner. In order to properly restrict claims there must be an undue burden on the Examiner if the restriction was not made.<sup>1</sup> Group I-V encompass compounds of formula (I). Because all of the claims are related to the same formula (I), Applicants submit that the examination of Groups I to V places no undue burden on the Examiner, as search with the formula (I) will reveal all art related to the structure, function, method of preparing and use of the compounds of formula (I). Applicants respectfully submit that Groups I to V should be examined together, and request withdrawal of the Restriction Requirement for these Groups.

If the Examiner maintains this Restriction between the above Groups, then it is the Applicants understanding that the claims of Groups I to V shall be rejoined upon allowance of a linking claim. Where an Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitation of the allowable product claims will be rejoined in accordance with the provisions of MPEP 821.04. Process claims that depend from or otherwise include all limitation of the patentable product will be entered as a matter of right, if the amendment is presented prior to final rejection or allowance.

---

<sup>1</sup> MPEP § 803.

**CONCLUSION**

Applicants respectfully request prompt examination in the application. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Applicants believe no additional fees are due with the filing of this Response. However, if any additional fees are required or if any funds are due, the USPTO is authorized to charge or credit Deposit Account Number: **50-0311**, Customer Number: **30623**, Reference Number: **33689-503**.

Respectfully submitted,

/Sean M. Coughlin/  
Ivor Elrifi, Reg. No. 39,529  
Sean M. Coughlin, Reg. No. 48,593  
Attorneys for Applicants  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, P.C.  
Tel: (202) 585-3577  
Fax: (617) 542-2241  
**Customer No. 30623**

February 9, 2009